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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

NICHOLAS QUEEN,  
Plaintiff

CIVIL DOCKET NO. 1:19-CV-01576

VERSUS

JUDGE DRELL

UNITED STATES OF AMERICA,  
ET AL.,  
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

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**MEMORANDUM ORDER**

Queen filed a complaint filed pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971) (“*Bivens*”), and the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 2671-2680. ECF No. 9. The only remaining Defendant is the United States of America.

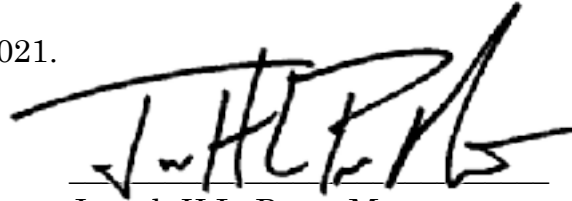
In July 2020, Queen filed a “Motion for Compel From Defendant the Following Discovery, Interrogatives, and Omissions.” ECF No. 24. Queen “requests that the Defendant provide” a list of documents and records. Queen also states that, because Defendant has not made an appearance (at least 49 days since service), the Court should grant his Motion to Compel Discovery. ECF No. 24-2 at 3.

Queen’s Motion to Compel is premature because it was filed before the Government made an appearance. Moreover, it does not appear that Queen ever requested the documents directly from the Government. Queen’s Motion is deficient because he failed to include a certification that he has in good faith conferred or

attempted to confer with the Government in an effort to obtain the requested documents without Court action, as required by Fed. R. Civ. P. 37(a)(1).

Accordingly, Queen's Motion to Compel (ECF No. 24) is DENIED as premature and deficient.

SIGNED on Friday, February 5, 2021.

A handwritten signature in black ink, appearing to read 'J. H. L. P. M.', written over a horizontal line.

Joseph H.L. Perez-Montes  
United States Magistrate Judge